

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MB Docket No. 05-13
FM Broadcast Stations.)	RM-11078
(Groveland, California))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 18, 2006

Released: October 20, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it for consideration a *Notice of Proposed Rule Making*¹ issued in response to a petition filed by 105 Mountain Air, Inc., proposing the allotment of Channel 264A at Groveland, California, as the community's first local commercial FM transmission service. Petitioner did not file comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. No other comments were received.

2. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Accordingly, we will dismiss the instant petition for rule making.

3. This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this *Report and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(1)(A) because the proposed rule was dismissed.

4. Accordingly, IT IS ORDERED, That, as requested, the petition for rule making filed by 105 Mountain Air, Inc., IS DISMISSED.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

¹ *Groveland, California*, Notice of Proposed Rule Making, 20 FCC Rcd 1267 (MB 2005).

6. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau